

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

APPLETON PAPERS, INC., and
NCR CORPORATION,

Plaintiffs,

v.

Case No. 08-C-16

GEORGE WHITING PAPER COMPANY, et al.,

Defendants.

ORDER

This matter is set for a general status conference on the Phase I trial which is to commence in December of 2010. A number of the defendants characterize themselves as *de minimis* settling defendants and request to be excused from participation in the conference. They ask the Court to confirm that any issues relating to their Consent Decree which has previously been filed will not be addressed during the preliminary pre-trial conference.

While the Court has no difficulty with *de minimis* settling defendants declining to appear at the status conference, it is unable to confirm that any issues related to the Consent Decree will not be addressed. Plaintiffs have not yet taken a position on the proposed Consent Decree, nor has the time for comment run. In the event issues concerning the *de minimis* settling defendants are taken up, the Court will attempt to address those issues at the outset. *De minimis* settling defendants may wish to consider designating one of their number as their representative to insure

that their position on any issues that arise will be considered. Beyond this, the Court can give no further advice.

Dated this 28th day of July, 2009.

s/ William C. Griesbach

William C. Griesbach

United States District Judge